

1 **DICKINSON WRIGHT PLLC**

2 MICHAEL N. FEDER, Nevada Bar No. 7332

3 Email: mfeder@dickinson-wright.com

4 8363 West Sunset Road, Suite 200

5 Las Vegas, Nevada 89113-2210

6 Tel: (702) 550-4400

7 Fax: (844) 670-6009

8 DANIEL S. SILVERMAN (Admitted Pro Hac Vice)

9 **VENABLE LLP**

10 Email: dssilverman@venable.com

11 2049 Century Park East, Suite 2300

12 Los Angeles, California 90067

13 Tel: (310) 229-0373

14 Fax: (310) 229-9901

15 MEAGHAN H. KENT (Admitted Pro Hac Vice)

16 **VENABLE LLP**

17 Email: MHKent@venable.com

18 600 Massachusetts Ave., NW

19 Washington, DC 20001

20 Tel: (202) 344-4000

21 Fax: (202) 344-8300

22 *Attorneys for Plaintiff/Counterclaim-Defendant*

23 *T.R.P. Company, Inc.*

24 **UNITED STATES DISTRICT COURT**
25 **DISTRICT OF NEVADA**

26 T.R.P. COMPANY, INC.,

27 Plaintiff,

28 vs.

29 SIMILASAN AG AND SIMILASAN
30 CORPORATION,

31 Defendants.

Case No.: 2:17-cv-02197-JCM-CWH

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND EXPERT
DISCOVERY CUT-OFF
(Second Request)**

32 COME NOW Plaintiff T.R.P. Company, Inc. ("TRP") and Defendants Similasan AG and
33 Similasan Corporation (collectively, "Similasan"), by and through their counsel of record, hereby

1 stipulate and agree to extend the final expert discovery deadline of the Joint Discovery Plan on a
2 limited basis; namely, to accommodate expert depositions that, due to scheduling conflicts, could
3 not be accommodated prior to the July 1 deadline. This is the second request to extend this
4 discovery deadline.

5
6 The Parties have submitted all reports and have been diligently working to schedule
7 expert depositions since May 24. Due to expert and attorney schedules, the Parties were unable
8 to find deposition dates for two of the expert witnesses, Jeffrey Stec for Similasan and David
9 Stewart for TRP, prior to July 1. Additionally, Similasan took the deposition of Russell Mangum
10 on June 18, 2019, but left the deposition open. TRP objects to a continued deposition of Dr.
11 Mangum. Both parties reserve all rights, but should an additional deposition of Dr. Mangum be
12 permitted, it would need to be scheduled after the current July 1 cutoff.

13
14 The Parties acknowledge that this request is being made fewer than 21 days from the
15 deadline. However, immediately upon learning of the scheduling conflicts, the Parties promptly
16 agreed on the extended deadlines herein and sought this brief extension with the Court. The
17 Parties have otherwise scheduled and completed expert discovery, but they will be unable to
18 complete the final two depositions or meet and confer regarding a second deposition of Dr.
19 Mangum and schedule a continued deposition, if permitted, within the current deadlines. The
20 proposed deadline, preceded by the current deadline (Dkt. 98), appears below. The proposed date
21 is:
22

23 1. Expert Discovery Cut-Off: July 1, 2019 to be July 24, 2019.

24 The Parties do not request a further extension of time for dispositive motions or any other
25 subsequent deadlines.

26 Discovery Completed – The Parties have completed all fact discovery and expert reports.
27 The Parties have produced a substantial number of documents and conducted several
28

1 depositions. Each party designated opening experts and rebuttal experts. An expert deposition
2 took place on June 14 for Hal Poret, and June 18 for Russell Mangum.

3 Discovery To Be Completed – The expert depositions of Jeffery Stec and David Stewart.
4 The parties shall meet and confer about a potential continued deposition of Russell Mangum.
5

6 Pending Motions – There are no motions currently pending before the Court. Dispositive
7 motions will be submitted on July 15.

8 The Parties represent that this Stipulation is sought in good faith and for good cause. The
9 Parties have been diligently engaged in fact and expert discovery, and do not seek to extend the
10 overall timeline of the case. The Parties' experts have diligently completed their reports within
11 the schedule and now seek only to complete depositions outside of the deadline due to logistical
12 challenges.
13

14 The Parties hereby jointly respectfully request that the aforementioned deadline be
15 extended accordingly.

16 Dated: June 20, 2019

17 **DICKINSON WRIGHT PLLC**

18 /s/ Michael N. Feder
19 MICHAEL N. FEDER (NV Bar No. 7332)
20 Email: mfeder@dickinson-wright.com
21 8363 West Sunset Road, Suite 200
Las Vegas, Nevada 89113-2210

22 **VENABLE LLP**

23 Daniel S. Silverman (*Pro Hac Vice*)
24 2049 Century Park East, Suite 2300
Los Angeles, California 90067
25 Tel: (310) 229-0373
Fax: (310) 229-9901
26 Email: dssilverman@venable.com

17 **CROWELL & MORING LLP**

18 /s/ Raija Horstman
Michelle Gillette (*Pro Hac Vice*)
3 Embarcadero Center, 26th Floor
San Francisco, CA 94111
Telephone: (415) 986-2800
Facsimile: (415) 986-2827
Email: mgillette@crowell.com

Valerie Goo (*Pro Hac Vice*)
Raija Horstman (*Pro Hac Vice*)
515 S. Flower Street, 40th Floor
Los Angeles, CA 90071
Telephone: (213) 443-5505
Facsimile: (213) 622-2690
Email: vgoo@crowell.com
Email: rhorstman@crowell.com

1 **VENABLE LLP**

2 Meaghan H. Kent (*Pro Hac Vice*)
3 600 Massachusetts Avenue., NW
4 Washington, D.C. 20001
5 Tel: (202) 344-4000
6 Fax: (202) 344-8300
7 Email: mhkent@venable.com
8 *Attorneys for Plaintiff T.R.P. Company, Inc.*

**BROWNSTEIN HYATT FARBER
SCHRECK, LLP**

Michael D. Rounds (NV Bar No. 4734)
Ryan Cudnik (NV Bar No. 12948)
5371 Kietzke Lane
Reno, NV 89511
Telephone: (775) 324-4100
Facsimile: (775) 333-8171
Email: mrounds@bhfs.com
rcudnik@bhfs.com

Emily Ellis (NV Bar No. 11956)
100 North City Parkway
Las Vegas, Nevada 89106-4614
Telephone: (702) 382-2101
Facsimile: (702) 382-8135
Email: eellis@bhfs.com

*Counsel for Defendants SIMILASAN
CORPORATION and SIMILASAN AG*

16 **ORDER**

17 IT IS SO ORDERED.

18
19 
20 UNITED STATES MAGISTRATE JUDGE

21 DATE: June 25, 2019
22
23
24
25
26
27
28